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REMARKS

Reconsideration and further examination of this application is respectfully requested. Claims 1-34 were originally presented for examination. Claims 1, 2 and 34 have been amended. Claims 3-33 are presented without further amendment.

The specification has been amended to correct the typographical error pointed out by the Examiner on page 8, line 9. The number "2" has been changed to a number "4".

Claims 1-7, 13-16 and 24-34 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Independent Claim 1 has been amended to clarify that it is the connecting tubes (420-426 of Figure 4) that are part of the articulating connector (412 and 414) that are "independently rotatably positioned about a coplanar arc of movement", and as pointed out by the Examiner, the articulating connectors are fixed to lateral braces (416 and 418). Independent Claim 34 has been amended to include similar limitations. Dependent Claim 2 has been amended to include the additional limitations of amended Claim 1. No new matter has been added.

Originally submitted independent Claim 4 contains the limitation of superior and inferior connecting members: "each said articulating connector comprising a superior connecting member and an inferior connecting member that are independently rotatably positionable about a coplanar arc of movement, pivoting within said anterior articulating connector" (lines 5-7). It is therefore clear and distinct in Claim 4 that only the connecting members rotate within the anterior articulating connector which remains fixed to lateral braces.

Claims 1-7, 13-16 and 24-34 were rejected under 35 USC § 103(a) as being unpatentable over Castelot et al. (#4,508,384) in view of McInturff (#5,954,402).

Castelot et al. discloses a lounge chair with a pregnancy supporting device, which is a specially designed to give the comfort and support which a pregnant woman needs when lying on her stomach. As shown in Figure 1 of Castelot et al., a lounge chair 10 including a seat frame 11 of rectangular configuration, having a pair of tubular side members 12, and a pair of tubular end members 13 and 14 fixedly secured thereto, by fastening means. A tubular leg 20 is hinged at its end portions, to rear end member 14,

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by hinges 14a, and a second tubular member 21 is similarly hinged to the front end member 13 of seat frame 11. A combination head and backrest frame 22, of tubular construction, is pivotally secured at its ends, to rear end member 14 of seat frame 11. A footrest frame 23, of tubular construction, is also hinged to frame 11, at the forward end member 13, and a second seat frame 24, of tubular structure, is also hinged to seat frame 11 at its forward end member 13, so as to pivot down against seat frame 11.

McIntruff et al. discloses a size-adjustable load supporting device to fit most conventional wheelchair frames providing sound mechanical support for the wheelchair user at a variety of angles to achieve various therapeutically significant functions. This load supporting device may be retro-fitted onto the majority of existing conventional wheelchairs or used as original equipment on new wheelchairs. As shown in Figure 1 of McIntruff et al., the device 10 is preferably used as a seat base in place of a conventional soft "sling" type wheelchair seat. The support frame 14 has a generally square configuration which is defined by four substantially T-shaped frame components 18, 20, 22, 24 which are mounted together. The T-shaped frame components 18, 20, 22, 24 are dimensioned to slidably nest with one another at a range of spaced apart distances. The load supporting device is supported by a separate wheelchair device by the use of a hook portion of a "J" hook 56 that is adapted for engaging spaced apart rails 58, 60 of a conventional wheelchair 12 so that the load supporting panel 16 of the device 10 is suspended between the spaced apart rails 58, 60. The hook portions 56 of the J-shaped brackets 50 are dimensioned to snap freely on to most standard rails 58, 60 and can be easily removed from the rails.

Currently amended independent claim 1 and original independent claims 4, and 34, clearly distinguish from the Castelot et al. reference in light of the McIntruff et al. disclosure. The Castelot et al. reference fails to disclose lateral braces that can be variably sized to set the relative position of an anterior articulating connector to a posterior articulating connector within said articulating connector pair. Whereas the Examiner contends that such a limitation is disclosed in the McIntruff et al. disclosure, the McIntruff et al. reference discloses a device that attains functionality and novelty "when fastened to the support frame," (Col. 5, ln. 42) and "[T]he hook portion of the "J" is adapted for engaging the spaced apart rails of a conventional wheelchair" (Col. 3, ln. 7-

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9) when "the panel secures the positions of the frame components relative to one another to thereby define a rigid wheelchair support having a desired length and width" (Col. 2, ln. 58-61) The McIntruff et al. device is a separate structure that has no independent use and would not interface with the Castelot et al. device without significant modification to both devices. The Castelot et al. device is not a wheelchair, and would not accept the fastener hardware detailed in the McIntruff et al. disclosure that is designed specifically to replace the removable load supporting device of a conventional wheelchair. Additionally, the McIntruff et al. device is not rigidly fixed to the support structures, and merely rests on the supports (see Figs 1 and 9).

Furthermore, neither the Castelot et al. device nor the McIntruff et al. device is an articulating bathing and support device. The McIntruff apparatus may not be used as a stand alone device, and is merely a component that is used in conjunction with a wheelchair. There is therefore no motivation to combine such references for a purpose or application that neither was intended either alone or in combination.

The presently claimed invention, in contradistinction, is directed to an articulating bathing and support device that can be variably sized to set the relative position of an anterior articulating connector to a posterior articulating connector within said articulating connector pair. For example, as disclosed in the applicant's Detailed Description of the Invention, "an articulating connector pair 400 comprises an anterior articulating connector 412 that is rigidly connected to a posterior articulating connector 414 by a superior and an inferior lateral brace 416 and 418 at a distance E 402. This distance E 402 determines the overall chassis length of the chair and can be readily changed by adjusting the lengths of the superior and an inferior lateral braces 416 and 418.

Hence, amended independent Claims 1 and 34, and original independent claims 4, 13, 24, 28, 29 and 33 specifically differentiate from the aforementioned combined disclosures in the fact that a seat structure that is adjustable in dimension (McIntruff et al.) and connected to the lounge chair of Castelot et al. by "J" hooks. "The hook portion of the "J" is adapted for engaging the spaced apart rails of a conventional wheelchair so that the load supporting panel of the device is suspended between the spaced apart rails." The device of McIntruff et al. would therefore be suspended between the pair of tubular

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side members 12, of Castelot et al., in such a combination and the relative distance E 402 mentioned above would not be variably sized.

In essence, Castelot et al. constitutes a system that is directed to a completely different problem which is "to give the comfort and support which a pregnant woman needs when lying on her stomach" and McIntruff et al. constitutes a system that is directed to "a load supporting device for use with conventional wheelchair frames". Clearly, there is no disclosure or suggestion, in any fashion, of using a wheelchair load supporting device to give the comfort and support which a pregnant woman needs when lying on her stomach to produce an articulating bathing and support device.

Original independent Claim 13 clearly distinguishes from the Castelot et al. reference in light of the McIntruff et al. disclosure. Neither the Castelot et al. nor the McIntruff et al. reference disclose a "central support chassis being customized to specific dimensions by sizing said lateral braces and said transverse brace of appropriate length and said head and thorax support, said lower extremity support and said chassis support frames sized to fit said central support chassis and specific dimensional needs of said individual". Without such limitation mentioned in either reference, the suggested combination does not disclose the claimed invention.

Original independent method Claim 24 clearly distinguishes from the Castelot et al. reference in light of the McIntruff et al. disclosure. Neither the Castelot et al. nor the McIntruff et al. reference disclose "determining a relative distance between an anterior articulating connector to a posterior articulating connector within said central support chassis that is based upon the anthropomology of the individual". Neither does either reference disclose "determining a relative distance between said left connector pair and said right connector pair within said central support chassis that is based upon the anthropomology of the individual". In fact, the only mention of anthropometric considerations of a user is found on column 2, line 34 of McIntruff et al. which states: "the support frame is size-adjustable to fit most conventional wheelchair frames and to accommodate wheelchair patients of various sizes. As the physical needs of the wheelchair user change, the device can be size-adjusted to accommodate those needs". Accommodating wheelchair patients of various sizes is not determining a relative distance between connector pairs based upon the anthropomology of the individual and

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more specifically is not dimensioning supports based upon anthropomology or changes in anthropomology of an individual as set forth in Applicants Claims 24, 28, 29 and 33.

Similarly, original independent method Claim 28 recites:

“dimensioning said central support chassis by:
fixing the relative distance between said anterior articulating connector pair and said posterior connecting pair by utilizing at least one said lateral brace of a length that is based upon said anthropomology of said individual;
fixing the relative distance between said left connector pair and said right connector pair by utilizing at least one transverse brace of a length that is based upon said anthropomology of said individual”

and,

“dimensioning said posterior chassis support frame and said anterior chassis support frame based upon said anthropomology of said individual”

This is clearly not equivalent to accommodating wheelchair patients of various sizes. Claim 29 and Claim 33 both are considered to distinguish over Castelot et al. and McIntruff et al. for the reasons provided above especially in light of the additional limitation of reconfiguring a central support.

In view of the above, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Dated this 9th day of September 2005.

Respectfully submitted,

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